

1 Q. How long have you been Assistant Superintendent?

2 A. I began my employment at Crawford County School  
3 District February 18th, 2002.

4 Q. Prior to what was your occupation?

5 A. I was a senior high school principal at  
6 Titusville Area School District.

7 Q. How long were you in that position?

8 A. I can't remember the date that I started. But I  
9 had been employed in the Titusville School District since  
10 1986.

11 Q. Okay. So, 1986 to -- until you came here in 2000  
12 --

13 A. 2002.

14 Q. Okay. And then prior to 1986 you were employed  
15 -- were you employed with a school?

16 A. I was employed at Bucknell University for two  
17 years, '82 through '84. Clarion University from --

18 Q. In what capacity at Bucknell?

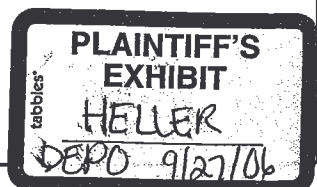
19 A. I was assistant wrestling coach at the university  
20 level.

21 Q. All right.

22 A. And I was at Clarion University in the same  
23 capacity for one year. And then I was in Ellwood City --

24 Q. What years are we talking about?

25 A. '86, '85.



1 relates to the budget, what is your best estimate if you  
2 know -- If you don't, you can say so -- of the budget, the  
3 district's budget is devoted to the recruitment, the efforts  
4 to recruit, encourage, and to diversify the teaching faculty  
5 of the district?

6 A. I don't know that question -- I don't know the  
7 answer to that question.

8 Q. You don't know?

9 A. No.

10 Q. Any estimate?

11 A. No.

12 Q. Okay. Well in terms of your -- the time that you  
13 devote to this particular effort, what would you say how  
14 many hours a week you spend in this area?

15 You understand what I'm asking you? That is in terms  
16 of recruiting minorities to teach, as a professional staff  
17 in the district. And I ask that in light of number 23,  
18 which says you're also in charge with recruiting minority  
19 groups for professional, and paraprofessional positions.

20 A. What --

21 Q. Are you able to give me an estimate, and give me  
22 how much time you spend either weekly, monthly, in terms of  
23 carrying out these responsibilities?

24 A. It's not something that I track daily, weekly or  
25 yearly. There's procedures in place that we utilize on a

1           You of course recall having sent that to Miss Wagner?

2           A.    Uh-huh, yes.

3           Q.    And your sentiments express here concerning her  
4 work, a lot of talk. That's a fair statement, isn't it?

5           A.    Could you repeat that again?

6           Q.    Your statement concerning her work, your  
7 sentiments expressed in the a letter of June 15th, 2005 and  
8 you say at the close of the school year, you take an  
9 opportunity to express your -- complimentary on the manner  
10 in which you perform your duties.

11           You as the author of the letter to Miss Wagner,  
12 expressing your appreciation, your recognition of her work.  
13 It's fair to say you -- you are expressing your regard and  
14 respect for her work during that school year as a substitute  
15 teacher; is that correct? Is that a fair statement to make?

16           A.    As a substitute teacher, that's correct

17           Q.    Okay. Exhibit 5.

18           (Heller Deposition Exhibit 5 was marked.)

19           Q.    Also Mr. Heller, Exhibit 6 is a letter, a written  
20 communication from Miss Schoonover, Brenda Schoonover. It's  
21 dated April, 2003 and it's from Miss Brenda Schoonover over  
22 to Miss Harriet Powell. Do you know these individuals?

23           A.    I know Mrs. Schoonover.

24           Q.    And who is Miss Schoonover at that -- what  
25 position did she -- if any did she occupy with the school

1 between you and Miss Pickens about this matter?

2 A. I believe I had a conversation with her on the *Ms Pickens*  
3 phone, but never in person.

4 Q. What was the nature of the conversation?

5 A. I believe that it was a conversation that we had  
6 been interviewing candidates to fill her position as a  
7 second district -- as a second grade teacher at Cochranon  
8 Elementary School along with a few other openings that we  
9 had for the remainder of the year in the school district at  
10 the elementary level as well.

11 And that we would respect her recommendation but she's  
12 not part of the selection process. You know, that's pretty  
13 much what the conversation consisted of. I can't be any  
14 more specific than that.

15 Q. Is that the first time that Miss Pickens had  
16 called you and talked -- communicated with you concerning a  
17 replacement when she took leave, had occasion to take leave?

18 A. I only, I believe, remember having one  
19 conversation with Miss Pickens.

20 Q. On prior leave concerning this event?

21 A. Period, one conversation.

22 Q. Concerning this -- We're talking about this  
23 particular Exhibit 7?

24 A. I don't remember --

25 Q. But what is memorialized here, set down in

1 days difference. He's the principal. You're the Assistant  
2 Superintendent.

3 A. Uh-huh.

4 MR. KUCHAR: What's your question?

5 BY MR. NICHOLS:

6 Q. I mean, the observation, is there some particular  
7 -- Do you -- Doesn't it trouble you that Mr. -- the  
8 principal would come to a very different conclusion than you  
9 regarding the quality of Miss Wagner's teaching? I mean as  
10 here I'm asking -- I'm offering this Exhibit.

11 A. I'm not --

12 Q. It's there for you.

13 A. First of all, I'm going to go back to what I said  
14 previous to this. It's not -- It's not an evaluation.

15 Q. It's observation?

16 A. It's an observation.

17 Q. Right.

18 A. And I wouldn't determine her observation to be  
19 unsatisfactory. I think that there's some areas that I felt  
20 as an observer at that specific time there was some areas  
21 that needed some improvement. That's --

22 Q. So you really --

23 A. I don't think you can word the unsatisfactory in  
24 the evaluation -- in the observation --

25 Q. Observation?

1 the different types of teachers. Does that reflect the same  
2 job description?

3 (Heller Deposition Exhibit 11 was marked.)

4 A. Yes.

5 Q. Okay. Now, is it also correct to say then that  
6 the qualifications that a substitute teacher must satisfy  
7 are the same ones that a long term substitute, full-time  
8 teacher must meet?

9 A. Yes.

10 Q. The qualifications are the same; is that correct?

11 A. Yes.

12 Q. Okay, thank you. Exhibit 12 for the record,  
13 please. Mr. Heller, this is a copy of the complaint that  
14 was filed, administrative complaint, filed with the PHRC by  
15 Miss Wagner, February 20th, 2003. You have seen a copy of  
16 the complaint?

17 (Heller Deposition Exhibit 12 was marked.)

18 A. Yes, I have.

19 MR. KUHAR: I don't have 12.

20 MR. MC EWEN: Neither do I.

21 MR. NICHOLS: Okay, that's one I have to make a  
22 copy for. It's a copy -- You probably already  
23 have a copy.

24 MR. KUHAR: If that's what it is. I'm going to  
25 look over his shoulder. If that's what it is, we

1 also are subjected to observations?

2 A. By some members of the committee, that's correct.

3 Q. All right. Now I'm looking at Exhibit 15. You  
4 have a copy?

5 A. No.

6 Q. Your counsel has a copy.

7 MR. NICHOLS: Mr. Kuhar, will you share it with  
8 him?

9 MR. KUHAR: Sure.

10 BY MR. NICHOLS:

11 Q. Exhibit 15, I'm -- My position is this and I'm  
12 asking you, if you want to as I go down this list, if you  
13 wish -- I'm asking for your justification of this. I'm  
14 saying that your theory -- your policy's theory, but you  
15 have not followed your policy.

16 And I'm saying, one, with respect to Karen Jamison,  
17 Exhibit 15, she was allowed to teach a full year without an  
18 interview. But Miss Wagner was subjected to an interview.  
19 How can you justify that under your policy?

20 A. I wasn't here.

21 Q. You were not here?

22 A. That's correct.

23 Q. Who was here -- Who was in your position then?  
24 Who?

25 A. Mr. Dolecki was the Superintendent at the time.

1 the post-conference, but I do not believe that that is in  
2 her personnel file.

3 Q. And it's likewise respective of the other  
4 applicants, right?

5 A. Correct.

6 Q. So there's no records on file then of this --

7 A. Of the others?

8 Q. Right.

9 A. No.

10 Q. No records made?

11 A. Correct.

12 Q. Maintained, okay. Moving forward. Moving  
13 forward, Exhibit 18. Exhibit 18 is a compilation of the  
14 work product of the committee that sat and interviewed  
15 candidates for Miss Pickens's job.

16 And Mr. Heller, you did participate as a member of  
17 that committee; did you not?

18 (Heller Deposition Exhibit 18 was marked.)

19 A. As a member, yes, I did.

20 Q. Did you organize the committee, the panel which  
21 sat to interview Miss Wagner and others?

22 A. Yes, I did.

23 Q. Okay. What is the proper reference to that  
24 entity? Is it a panel or a committee?

25 A. I think you can call it what you want.



1 Q. Well, I notice that you were and counsel were  
2 very precise this morning to the extent that I want to be  
3 precise, on the same wavelength with respect to  
4 communicating.

5 A. I don't believe I used the word panel.

6 Q. Would it be committee?

7 A. That's correct.

8 Q. Would it be a personnel selection search  
9 committee?

10 A. Selection committee.

11 Q. Selection committee?

12 A. Interview committee. I don't think there's a  
13 standard name for it.

14 Q. Okay.

15 A. I think we all know what we're talking about.

16 Q. You organize the committee, did you?

17 A. That's correct?

18 A. Did you select the members who sat on that  
19 committee?

20 A. I -- Yeah, I guess you could say I did.

21 Q. Is it fair to say you were the chairman of that

22 --

23 A. I --

24 Q. -- Committee?

25 A. I look at it as more of a facilitator than a

1 chairman. I don't think I'm chairman. Like I said, I'm  
2 more of a facilitator.

3 Q. Were any minorities included on the committee?

4 A. No.

5 Q. Were any teachers --

6 A. No.

7 Q. -- On the panel?

8 A. No.

9 Q. All administrators?

10 A. Administrators.

11 Q. Did they report to you? Did all of them -- Any  
12 or all of them report to you?

13 A. I guess if you look at the flow chart on the  
14 hierarchy, I'm above them. So, yes, they would report to  
15 me.

16 Q. I have here Exhibit 18, and ask it be made part  
17 of the record. And I notice first of all -- I notice first  
18 of all that -- First, these documents I have here I should  
19 say for the record for purpose of authenticity that Mr.  
20 Kuhar provided these to me as part of the initial  
21 disclosures. Mr. Kuhar, as counsel for the district. All  
22 right.

23 Now, I have reviewed the employment interview analysis  
24 forms of the applicants and I have here, first of all Miss  
25 Szalewicz application. And she in fact was the applicant

1           A.    November 22nd. I saw the date on it when you  
2 showed me the form earlier.

3           Q.    And then four days later, approximately four days  
4 later, Mr. Meader also conducted observation, class  
5 observation of Miss Wagner, correct?

6           A.    That's correct.

7           Q.    All right. And that of course those observation  
8 results or forms have been made a part of the record now.  
9 Now, you serving as a facilitator as you put it of this  
10 committee, did you -- At the conclusion of the interview,  
11 did you collect the forms?

12          A.    Yes.

13          Q.    Okay. You had an opportunity to review them?

14          A.    Everybody does.

15          Q.    I'm talking about you in particular.

16          A.    Everybody on the committee has an opportunity to  
17 review all the forms, yes.

18          Q.    And you had the opportunity --

19          A.    Which includes me. I'm part of the committee.

20          Q.    Correct, of course. Now, did you notice that  
21 several of the forms were not signed by the evaluators?

22          A.    Most often they are.

23          Q.    Well, if I show you which now is Exhibit 18, Miss  
24 Szalewicz, one, two, three -- Three of the, I believe  
25 there's six, six members, right?

1 A. I think there were.

2 Q. Yeah, three of the six members of the committee  
3 didn't sign Miss Szalewicz evaluation, interview form?

4 A. Okay.

5 Q. Okay. Miss Hughes -- Well, at any rate there was  
6 several of these. Let's see, Hughes, Rowena, and Nikki  
7 Shearer likewise. And there were two or three not signed.  
8 Mark Weathers, Erin, last name spelled, B-O-U-R-Q-U-I-N,  
9 E-R-I-N first name. Not signed properly. Carolyn Beers,  
10 B-E-E-R-S last name. Miss McElwain interview analysis,  
11 Karen Janeson (sic)?

12 A. Jamison.

13 Q. Jamison, correct, J-A-M-I-S-O-N. Chad DuPont. I  
14 mentioned Stephanie Hughes before. Alicia Foulk. Stacy  
15 Boca. Blair Lawrence. David Stearns. All of these  
16 interview -- employment interview analysis forms are  
17 deficient in the sense this they are not signed by the  
18 evaluator on at least one or two, possibly three instances,  
19 okay.

20 Now, Mr. Heller, I notice Stephanie Hughes's form, I  
21 looked on that and there's commentary on that on the second  
22 page and it appears to be your handwriting. Yeah, it was  
23 your application where you evaluated Stephanie Hughes. If I  
24 might show this to you (indicating).

25 A. Yes.

1 Q. Okay. And you will notice there -- That is your  
2 handwriting there, isn't it?

3 A. I --

4 Q. Your name appears as the evaluator?

5 A. I think it is, yeah.

6 Q. I note there is a comment you made that included  
7 in a group there of individuals -- right there that included  
8 in that group is Miss Wagner's name?

9 A. Uh-huh.

10 Q. And you refer, no way. That is your comment,  
11 isn't it?

12 A. It's in writing.

13 Q. Right. That is your comment, right?

14 A. That's correct.

15 Q. That's your writing and your comment?

16 A. Uh-huh.

17 Q. And when you made that comment it was in  
18 reference to what?

19 A. Well, I think from a discussion at the end of the  
20 interview process as we were considering the rating scores,  
21 these were the people that were at the lower end of the  
22 rating scale and it was just a reference made that these  
23 people wouldn't be in consideration for those four  
24 positions.

25 MR. KUHAR: What was the -- Did you say would or

1 wouldn't?

2 THE WITNESS: Wouldn't.

3 MR. KUHAR: Okay.

4 BY MR. NICHOLS:

5 Q. Okay, thank you. Miss Szalewicz did get the  
6 position? She got the position?

7 A. Uh-huh.

8 Q. And I notice on the scoring here that she scored  
9 number nine. Out of possibly 17, 18 applicants here she  
10 scored number nine?

11 A. Uh-huh.

12 Q. Why -- What was so compelling about her, given  
13 the fact that she got a nine that she would get the position  
14 over the other eight who obviously scored higher according  
15 to what is shown here on Exhibit 18?

16 A. I understand what you're saying. Part of the  
17 selection process is that at the conclusion of the  
18 interviews there's a lot of discussion that takes place and  
19 there's a lot of information that can be shared by the  
20 people that have participated in the selection process, part  
21 of that committee.

22 And some of the information that is shared is  
23 information based on performances within the buildings as a  
24 substitute teacher, information shared on observations that  
25 certain people have made. And it can be a group consensus

1 or committee consensus. We consider two levels at the  
2 elementary. A primary level, which is K through two. And  
3 intermediate level which is three through six.

4 And the committee many times determines who we would  
5 feel is stronger at the primary level versus the  
6 intermediate level. Okay, so the rating is -- the rating is  
7 significant, but it's not the only determining factor in the  
8 selection process.

9 Q. Okay. Now two of the candidates of the  
10 applicants in this pool were in college at this time, right,  
11 when this interview was held; is that correct?

12 A. Give me their names.

13 Q. Robert Bazylak and Nikki Shearer?

14 A. Okay.

15 Q. That is a fact, right?

16 A. They were finishing up their student teacher  
17 experience. I think they might have been in their last week  
18 when we interviewed them.

19 Q. But they were still in college at the time when  
20 they sat for this interview, right?

21 A. Robert Bazylak had been a graduate a long time  
22 ago --

23 Q. No, I'm saying at the time though?

24 A. He was completing his teaching certificate.

25 Q. Student teaching?

1 A. Student teaching experience.

2 Q. But he didn't have his degree?

3 A. He had a degree. He had a degree from Allegheny  
4 College.

5 Q. But he was doing graduate work?

6 A. No, he was doing teacher certification work. He  
7 had a degree from a liberal arts school.

8 Q. And Nikki Shearer?

9 A. Nikki Shearer was finishing her student teaching  
10 experience.

11 Q. So that she had not yet received her  
12 undergraduate degree?

13 A. That's right.

14 Q. And --

15 A. But the didn't positions didn't start until  
16 January. Keep in mind they had their certificates when they  
17 began.

18 Q. At that time?

19 A. Yes.

20 Q. All right. I notice the questions that the panel  
21 posed to the different applicants were different questions

22 --

23 A. No.

24 Q. Each applicant had a different question they  
25 posed?



1 necessary progress that we felt she needed to have in order  
2 to be considered as a top candidate for a teaching position.

3 Q. Okay. Now, Mr. Heller --

4 A. No, it was 2004, I'm sorry. I'm sorry, 2004. To  
5 correct that it was 2004.

6 Q. When you met with her --

7 A. The summer of 2004.

8 Q. You're referring to the time you met with her?

9 A. Yes.

10 Q. Uh-huh.

11 A. I retract that.

12 Q. And she asked you for a copy of her evaluation  
13 and she was told that you were -- analysis and you told her  
14 you would not make it available to her?

15 A. ~~That's right, I didn't make them available to~~  
16 anybody.

17 Q. As a matter of policy or what is it?

18 A. Procedure protocol.

19 Q. Why would you withhold it if she wanted to see  
20 and to work on it, and to obviously be informed? It was her  
21 concern. It was her evaluation.

22 A. It's just a decision I made at that particular  
23 time, that's the only thing I can say about it.

24 Q. But it is a fact though, Mr. Heller, isn't it,  
25 that what I have here, Exhibit 25, which is 100 plus

1 (Off-the-record discussion.)

2 BY MR. NICHOLS:

3 Q. I also understand there is a relationship between  
4 Brian Mahoney and Mr. Stanton?

5 A. That's correct.

6 Q. At the time he was hired?

7 A. That's correct.

8 Q. It was son-in-law relationship?

9 A. Son-in-law.

10 Q. Right?

11 A. That's right.

12 Q. That relationship is obviously not acceptable,  
13 unacceptable, isn't it, for purposes of the anti-nepotism  
14 law?

15 A. That's correct.

16 Q. How was that addressed by the committee?

17 A. How was that addressed by the committee?

18 Q. Right.

19 A. I'm going to take responsibility for it.

20 Q. Uh-huh.

21 A. I was in this position for three or four months,  
22 I was unaware of the policy at the time and the  
23 administration, naturally the selection committee was  
24 formulated and Mr. Stanton was part of that process. And  
25 after we concluded I was made aware.